

SPECIAL CIVIL APPLICATION NO. 2495 OF 1985.

Date of decision: 16.7.1996.

For approval and signature

The Honourable Mr. Justice R. R. Jain

Mr. H.K. Rathod, advocate for petitioner.

Mr. K.S. Nanavati, advocate for respondent No.1.

Respondent Nos.2 and 3- served.

1. Whether Reporters of Local Papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether their Lordships wish to see the fair copy of judgment?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 or any order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

Coram: R.R.Jain,J.

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July 16, 1996.

Oral judgment:

The controversy in question is that juniors to the petitioner have already been promoted to the post of Deputy Superintendent (Accounts) with effect from 7.10.1982 whereas the petitioner though senior was subsequently promoted to this post giving deemed date as

25.10.1982. Thus, there is a difference of 18 days by which juniors to the petitioner have been made senior. Therefore it is contended that deemed date of promotion may be given as 7.10.1982 instead of 25.10.1982.

It is true that the petitioner was promoted as Senior Assistant with effect from 3.8.1981. This is feeder cadre for promotion to the post of Deputy Superintendent (Accounts). Some of the juniors to the petitioner were also promoted to the feeder cadre on the same date and have been promoted with effect from 7.10.1982 and, therefore, the respondents ought to have considered the case of the petitioner for promotion to the post of Deputy Superintendent (Accounts) according to his seniority in feeder cadre and date of promotion therein, i.e., 3.8.1981. This controversy does not require much consideration and can be resolved at the end of respondents by giving due weightage to his seniority and promotion in feeder cadre. Hence, the respondents are directed to consider his case afresh on the line of promotions given to other 26 persons vide order dated 7.10.1982, Annexure G, giving weightage as above and consider his case at par with those juniors in feeder cadre who were similarly situated and promoted to the post of Deputy Superintendent (Accounts). The respondents are directed to consider petitioner's case within eight weeks from the date of receipt of writ from this Court.

Petition stands disposed of accordingly with aforesaid directions. Rule is made absolute to the aforesaid extent. No order as to costs.